

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

CAVAYAH HANCOCK, STEVEN RALSTON,)	
and JUSTICE BUCHANAN)	
)	
Plaintiffs)	No. 1:15-0055
)	Senior Judge Haynes/Bryant
v.)	Jury Demand
)	
BUCKY ROWLAND and)	
DEBRA WAGONSCHUTZ,)	
)	
Defendants)	

TO: THE HONORABLE WILLIAM J. HAYNES, JR.
SENIOR JUDGE

REPORT AND RECOMMENDATION

Pending before the Court is Defendants' second motion to dismiss for failure to prosecute (Docket Entry No. 58). For the reasons stated below, the undersigned Magistrate Judge recommends that this motion be granted and the complaint dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

SUMMARY OF PERTINENT HISTORY

As the records in this case indicate, the Plaintiffs have been almost wholly incommunicative since this case was filed. On July 28, 2016, Defendants filed their first motion to dismiss for lack of prosecution (Docket Entry No. 52). Plaintiffs failed to respond in opposition. On July 29, 2016, the Court granted Defendants' earlier motion to compel Plaintiffs Hancock and Buchanan to respond to written discovery (Docket Entry No. 54). Plaintiffs had failed to respond to this earlier motion to compel, and the Court ordered them to serve discovery responses on or before August 19, 2016. Now, in their current motion to dismiss for

failure to prosecute (Docket Entry No. 58), Defendants state that Plaintiffs have failed to comply with the Court's order directing them to serve discovery responses by August 19, 2016.

From all of the foregoing, the undersigned finds that Defendants' motion to dismiss should be granted, and that the complaint should be dismissed for Plaintiffs' failure to prosecute their case and their failure to comply with the Court's order requiring them to serve discovery responses.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge recommends that Defendants' motion to dismiss be granted pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for Plaintiffs' failure to prosecute and failure to comply with an order of the Court.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further

appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S.
Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTER this 25th day of August, 2016.

/s/ John S. Bryant

JOHN S. BRYANT

United States Magistrate Judge